

REMARKS

Specification

Applicants have amended paragraphs 0020 and 0038 of the Specification to correct typographical errors.

Claims 16-24 are Allowable

The Office has rejected claims 16-24, at paragraph 2 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Pat. Pub. No. 2003/0028890 ("Swart") in view of U.S. Patent No. 7,054,291 ("Balazinski"). Applicants respectfully traverse the rejections.

None of the cited references, including Swart and Balazinski, disclose or suggest the specific combination of claim 16. For example, Swart does not disclose initiating formation of at least a portion of a point-to-point protocol communication link with the video content source, as recited in claim 16. Instead, Swart discloses an aggregator that searches for user requested content, acquires the content, decodes program content and associated metadata for storage at the aggregator, and encodes both content and metadata for delivery to the user using various communication links that may include telephone lines, Internet, wireless connections and physical media distribution. *See* Swart, Abstract, and paragraph 0044. Swart does not disclose a point-to-point protocol communication link with the video content source. Further, Balazinski does not disclose this element of claim 16. Instead, Balazinski discloses negotiating an abbreviated point-to-point negotiation between a mobile station and a packet data service node. *See* Balazinski, Abstract. Balazinski does not disclose a point-to-point protocol communication link with a video content source.

In rejecting claim 16, the Office Action further cites U.S. Patent No. 7,149,224 ("Krishnamurthy"), and U.S. Patent No. 6,160,808 ("Maurya"). *See* Office Action, page 3. Krishnamurthy does not disclose a point-to-point protocol (PPP) communication link with a video content source, as recited in claim 16. Instead, Krishnamurthy discloses optimizing PPP negotiations during a data communication session between two peer network elements in a network. *See* Krishnamurthy, Abstract, and col. 1, line 12 – col. 2, line 48. Further, Maurya

does not disclose a point-to-point protocol communication link with a video content source. Instead, Maurya discloses a communications technique permitting incoming multi-link PPP packets of a common PPP frame to be simultaneously transmitted across more than one outgoing link in a multi-link bundle. *See* Maurya, Abstract, and col. 1, lines 19-64.

Therefore, Swart and Balazinski, in view of Krishnamurthy, and further in view of Maurya, separately or in combination, fail to disclose or suggest each and every element of claim 16. Hence, claim 16 is allowable.

Claims 17-23 depend from claim 16. Hence, Swart and Balazinski, separately or in combination, fail to disclose at least one element of each of claims 17-23. Accordingly, claims 17-23 are allowable, at least by virtue of their dependence from claim 16.

Further, the dependent claims recite additional features that are not disclosed by the cited references. For example, Swart and Balazinski do not disclose communicatively coupling the user and the video content source with at least one point-to-point protocol over Ethernet link and at least one point-to-point protocol over asynchronous transfer mode link, as recited in claim 19. Instead, Swart discloses an aggregator that searches for user requested content, acquires the content, decodes program content and associated metadata for storage at the aggregator, and encodes both content and metadata for delivery to the user, using various communication links that may include telephone lines, Internet, wireless connections and physical media distribution. *See* Swart, Abstract, and paragraph 0044. Swart does not disclose a point-to-point protocol communication link between the user and the video content source. Further, Balazinski does not disclose this element of claim 19. Instead, Balazinski discloses negotiating an abbreviated point-to-point negotiation between a mobile station and a packet data service node. *See* Balazinski, Abstract. Balazinski does not disclose a point-to-point protocol communication link between a user and a video content source. For this additional reason, claim 19 is allowable.

Further, Swart and Balazinski, separately or in combination, do not disclose that the output stream comprises a variable bit rate stream, the method further including converting the variable bit rate stream into a constant bit rate stream, as recited in claim 21. Instead, Swart

discloses acquiring content requested by a user, and packaging and delivering the requested content to the user. See Swart, Abstract, and paragraph 0043. Swart does not disclose converting a variable bit rate stream into a constant bit rate stream. Further, Balazinski does not disclose this element of claim 21. For at least this reason, claim 21 is allowable.

None of the cited references, including Swart and Balazinski, disclose or suggest the specific combination of claim 24. For example, Swart does not disclose a computer-readable medium having computer-executable instructions to initiate formation of at least a portion of a point to point communication link with the video content source, as recited in claim 24. In contrast to claim 24, Swart discloses acquiring content requested by a user, packaging and delivering the requested content to the user via, e.g., a wide area network/Internet connection. See Swart, Abstract, and paragraph 0043. Swart does not disclose initiating formation of a point-to-point protocol communication link with the video content source. Further, Balazinski does not disclose this element of claim 24. Instead, Balazinski discloses negotiating an abbreviated point-to-point negotiation between a mobile station and a packet data service node. See Balazinski, Abstract. Balazinski does not disclose initiating formation of a point-to-point protocol communication link with a video content source.

In the rejection of claim 24, the Office Action further cites U.S. Patent No. 7,149,224 ("Krishnamurthy"), and U.S. Patent No. 6,160,808 ("Maurya"). See Office Action, page 3. Krishnamurthy does not disclose initiating formation of a point-to-point protocol communication link with a video content source. Instead, Krishnamurthy discloses optimizing PPP negotiations during a data communication session between two peer network elements in a network. See Krishnamurthy, col. 1, line 12 – col. 2, line 48. Maurya does not disclose initiating formation of a point-to-point protocol communication link with a video content source. Instead, Maurya discloses a communications technique permitting incoming multi-link PPP packets of a common PPP frame to be simultaneously transmitted across more than one outgoing link in a multi-link bundle. See Maurya, col. 1, lines 19-64.

Therefore, Swart, Balazinski, Krishnamurthy Maurya, separately or in combination, fail to disclose or suggest each and every element of claim 24. Hence, claim 24 is allowable.

Claims 25-26 and 40 are Allowable

The Office has rejected claims 25-26 and 40, at pages 5-8 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Swart in view of Balazinski, and further in view of Krishnamurthy and Maurya. Applicants respectfully traverse the rejections.

As explained above, Swart, Balazinski, Krishnamurthy and Maurya, separately or in combination, do not disclose each of the elements of claim 16. Claims 25 and 26 depend from claim 16. Therefore, claims 25 and 26 are allowable, at least by virtue of their dependence from claim 16.

Further, the dependent claims recite additional features that are not disclosed by the cited references. For example, none of the references, including Swart, Balazinski, Krishnamurthy and Maurya, separately or in combination, disclose sending data indicating a plurality of connection options to the video content source, the plurality of connection options including a managed point-to-point protocol communication link, as recited in claim 25. For at least this additional reason, claim 25 is allowable.

None of the cited references, including Swart, Balazinski, Krishnamurthy and Maurya, separately or in combination, disclose or suggest the specific combination of claim 40. For example, Swart does not disclose initiating formation of at least a portion of a point-to-point protocol communication link with a video content source, as recited in claim 40. Instead, Swart discloses an aggregator that searches for user requested content, acquires the content, decodes program content and associated metadata for storage at the aggregator, and encodes both content and metadata for delivery to the user using various communication links that may include telephone lines, Internet, wireless connections and physical media distribution. *See* Swart, Abstract, and paragraph 0044. Swart does not disclose initiating formation of a point-to-point protocol communication link with the video content source. Further, Balazinski does not disclose this element of claim 40. Instead, Balazinski discloses negotiating an abbreviated point-to-point negotiation between a mobile station and a packet data service node. *See* Balazinski, Abstract. Balazinski does not disclose initiating formation of a point-to-point protocol communication link with a video content source. Krishnamurthy does not disclose initiating

RECEIVED
CENTRAL FAX CENTER

AUG 27 2007

formation of a point-to-point protocol communication link with a video content source. Instead, Krishnamurthy discloses optimizing PPP negotiations during a data communication session between two peer network elements in a network. *See* Krishnamurthy, Abstract, and col. 1, line 12 – col. 2, line 48. Maurya does not disclose initiating formation of a point-to-point protocol communication link with a video content source. Instead, Maurya discloses a communications technique permitting incoming multi-link PPP packets of a common PPP frame to be simultaneously transmitted across more than one outgoing link in a multi-link bundle. *See* Maurya, col. 1, lines 19-64. Therefore, Swart, Balazinski, Krishnamurthy and Maurya, separately or in combination, fail to disclose or suggest each and every element of claim 40. Hence, claim 40 is allowable.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

8-17-2007
Date


Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicant(s)
TOLER SCHAFFER, L.L.P.
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)